

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09-cv-382-GCM**

ERIC L. TOLBERT,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
FNU STEVENSON, <u>et al.</u>,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on its own motion after reviewing pending cases on the Docket. On August 6, 2012, the Court entered an Order providing Plaintiff with fourteen (14) days to provide the Court with information on his current address. (Doc. No. 55). The Court noted that Plaintiff had not responded to Defendants' motion to dismiss, (Doc. No. 52), following the entry of an Order which informed Plaintiff of his obligation in responding to the motion to dismiss. (Doc. No. 54). The Court noted that Plaintiff, while in custody at the time he filed his Complaint, was now listed as an absconder by the North Carolina Department of Public Safety. (Doc. No. 55 at 3-4). In its August 6th Order, the Court informed Plaintiff that he had the obligation to keep the Court apprised of his current address and that a failure to do so would be deemed a failure to prosecute. (Id. at 4-5). The Court then warned Plaintiff that if he did not provide the Court with a current address or contact information within fourteen (14) days from entry of the Order warning him of the consequences of his failure to prosecute, that his Complaint would be dismissed.

Plaintiff was due to respond to the Court's August 6th Order by August 20, 2012. A review of the Clerk's Docket Entry demonstrates that Plaintiff has failed to comply with the

Court's Order. Therefore, for the reasons stated herein, and for the reasons stated in the August 6, 2012 Order, (Doc. No. 55), Plaintiff's Complaint will be dismissed.

IT IS, THEREFORE, ORDERED that Plaintiff's Complaint is **DISMISSED** with prejudice for failure to prosecute. (Doc. No. 1).

Signed: August 22, 2012

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

